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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/813,235	03/19/2001	Franklin Goodhue Woodward	WVANP012	3417

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IPVENTURE, INC.
5150 EL CAMINO REAL
SUITE A-22
LOS ALTOS, CA 94022

EXAMINER

JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 02/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/813,235

Applicant(s)

WOODWARD ET AL

Examiner

Lynda Jasmin

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-36, 61-68, 70-77 and 91-107 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 23-29 and 101-107 is/are allowed.
6) ☒ Claim(s) 16-22, 30-36, 61-68 and 91-100 is/are rejected.
7) ☒ Claim(s) 70 and 72 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5/12/05.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Amendment received

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr. et al. (6,598,027 B1), in view of Tracy (5,979,757).

Breen, Jr. et al. al discloses a system and method for implementing e-commerce transactions via a network (20) comprising: identifying a regulated item that satisfies one or more predetermined criteria, indicating that the item is prohibited from being purchased by the customer (see col. 1, lines 15-57), the one or more predetermined criteria corresponding to at least one regulation which restricts sales of the regulated item to persons in a particular jurisdiction (see Fig. 7; col. 10, lines 25-27), and taking action other than or in addition to presenting a notification message, to prevent the purchase of the regulated item (see block 245) via the data network by the customer in accordance with the at least one regulation (see Figures 1 and 3). The action comprises steps to prevent completion of checkout (see col. 10, lines 16-36; via disallowing the transaction). Breen, Jr. et al further disclose an inventory subsystem (16b), a customer interface (12), and an order fulfillment subsystem (23).

However, Breen et al. fails to explicitly disclose the at least one regulation restricts sales of the related item during at least one specific day.

Tracy discloses a checkout system that automatically prohibits the sale of items during specific days (via alcoholic beverages not sold on Sundays). Tracy further discloses that the regulated item corresponds to a class of regulated products (such as alcoholic beverage). Tracy also discloses that the one or more predetermined criteria correspond to restrict sales to persons under minimum age (col. 13, line 57 through col. 14, line 2).

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the purchase of regulated items of Breen, Jr. to include the informing that selected item is a restricted item and cannot be purchased by the customer at that time as taught by Tracy et al. in order to ensure that the system complies with existing laws.

3. Claims 1-22, 30-36, 61-68 and 91-100 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breen, Jr. et al. (6,598,027 B1), in view of Knowles et al. (2003/0079227 A1), and further in view of Tracy et al. (5,979,757)

Breen, Jr. et al. al discloses a system and method for implementing e-commerce transactions via a network (20) comprising: identifying a regulated item that satisfies a predetermined criteria, wherein the predetermined criteria indicates that the item is prohibited from being purchased by the customer (see col. 1, lines 15-57); and taking action to prevent the purchase of the regulated item (via block 245). Further, the action is automatically implemented by a system server (see Figures 1 and 3), and the

regulated item being part of an online order from a customer (via regulated goods that bidders are authorized to purchase) with the online merchant (via seller of regulated goods). The predetermined criteria include a regulation parameter that corresponds to regulations that restrict sales and deliveries to a particular jurisdiction (see Fig. 7). The action comprises steps to prevent completion of checkout (see col. 10, lines 16-36). Breen, Jr. et al. further discloses an inventory subsystem (16b), a customer interface (12), and an order fulfillment subsystem (23).

However, Breen et al. fails to explicitly disclose modifying a display of items available for purchase by the customer by restricting display of items, which are prohibited from being purchased by the customer.

Knowles et al. discloses the concept of having an interactive system including viewing rights of different user. Knowles discloses having an interactive program guide (IPG) system which includes a parental control feature that allows the user to block TV viewing. For example, the user can lock entire channels; lock the IPG entirely, so that no functions may be used; and limit Interactive Pay Per View (IPPV) purchasing. Knowles further discloses that a first IPG being viewed by a first user can display data added or modified via a second IPG by a second user of the system. Wherein, the data added or modified by the second user can influence the viewing rights of the first user. Knowles further discloses that a user can lock entire channels, lock the IPG entirely, so that no functions may be used, and limit Interactive Pay Per View (IPPV) purchasing.

From this teaching of Knowles, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the e-commerce transaction

of Breen, Jr. et al. to include the viewing rights including restricted purchase items of taught by Knowles et al. in order to prevent users from viewing and purchasing restricted goods and services such as pay-per-view purchasing.

The Brent et al. and Knowles combination discloses the elements of the claimed invention but fails to explicitly disclose the online order having information from the customer regarding a delivery time for the order, and regulations restricting sales of the regulated item during specific time period and/or days and to persons under a minimum age.

Tracy discloses a checkout system that automatically prohibits the sale of items during specific days (via alcoholic beverages not sold on Sundays). Tracy further discloses that the regulated item corresponds to a class of regulated products (such as alcoholic beverage). Tracy also discloses that the one or more predetermined criteria correspond to restrict sales to persons under minimum age (col. 13, line 57 through col. 14, line 2). Tracy further discloses that it is preferred that the customer includes a delivery time window and location in their delivery requests.

Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the purchase of regulated items of the Breen, Jr. and Knowles combination to include the informing that selected item is a restricted item and cannot be purchased by the customer at that time as taught by Tracy et al. in order to ensure that the system complies with existing laws.

Allowable Subject Matter

4. Claims 23-29 and 101-107 are allowed.
5. Claims 70 and 72 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter: The prior art made of record fails to explicitly disclose or suggest the taking action comprises taking action to prevent the customer from adding the regulated item to an electronic shopping cart associated with the customer in combination with the adding the regulated item to the electronic shopping cart being based on one or more criteria and the delivery time, as recited in claims 23 and 70. Further, the prior made of record fails to explicitly disclose taking action to remove the regulated item from an electronic shopping cart associated with the customer in combination with the removal of the regulated item from the electronic shopping cart being based on one or more criteria and the delivery time, as recited in claims 101 and 72.

Response to Arguments

7. Applicant's arguments with respect to claims 16-36, 61-68, 70-77 and 91-107 have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yoshio et al. discloses the concept of prohibiting searches information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (571) 272-6782. The examiner can normally be reached on Monday- Friday (9:30-6:00) with Thursday Telework.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627